SINGLE BENCH (1) (6)

P.R. No. 6088/06
Presented by Shri Vikas singh
dated 3-11-06 2.35 pm

Ch 001

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 6296 /2006

PETITIONER : Vikas Soni, Son of Late Ram Murat Soni, aged about 28 years, resident of Sonarpara, Mahamai Ward, Tahasil-Mungeli, District-Bilaspur (C.G.).

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through -Secretary, Transport Department, Government of Chhattisgarh, D.K.S. Bhawan, Raipur (C.G.).

2. State of Madhya Pradesh, through Secretary, Transport Department, Govt. of Madhya Pradesh, Balabh Bhavan, Bhopal (M.P.)

3. Madhya Pradesh, State Road Transport Corporation, through General Manager (Karmik), Habibganj, Bhopal (M.P.)

4. Chhattisgarh Infrastructure Development Corporation Ltd., (Transport Deptt.) through Chief Manager, Shastri Chowk, Raipur (C.G.).

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OATH COMMISSIONER
APARNA MALVIYA
CG 07650
12/19
Bilaspur Chhattisgarh

(2) (7)

5. Chhattisgarh Infrastructure Development Corporation Ltd., (Transport Deptt.) through Division Manager, Divisional Officer, Bilaspur (C.G.).

6. Collector, Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT/WRITS, DIRECTION/DIRECTIONS ETC.

(115)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. (s) No. 6246 of 2006

Petitioner : Vikas Soni

Versus

Respondent : State of Chhattisgarh & others

Mr. M.K. Sinha, Advocate for the petitioner.

Miss Sunita Jain, Panel lawyer for the respondents/State.

ORDER

(Passed on this 19th day of January, 2007)

1. According to learned counsel appearing for the petitioner, the father of the petitioner namely Shri Ram Murat Soni, was working as Booking Agent in the office of Sub-Depot, Mungeli under the Madhya Pradesh State Road Transport Corporation, Bilaspur Division, Bilaspur, when he died on 19.2.1996 in harness.

2. The petitioner, being dependant-legal hair of the deceased, made an application for appointment on compassionate basis on 22.9.1996 (Annexure P/10). The petitioner, it appears did not pursue the matter till the petitioner received a copy of the letter dated 24.8.2004 (Annexure P/24) from the office of the Regional Manager of the respondent No. 4, addressed to the Chief Manager/Respondent-Corporation at Raipur. Thereafter, the petitioner was again served a communication vide letter dated 27.8.2004 (Annexure P/25) stating therein that there was no policy

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to appoint the dependant/family member of the deceased employee under Madhya Pradesh State Road Transport Corporation.

3. Learned counsel appearing for the petitioner has pointed out that as per the policy dated 10th June, 1994 (Annexure P/7), the petitioner was entitled to appointment on compassionate basis.

4. The petitioner has filed this petition seeking a direction to the respondents to grant compassionate appointment to the petitioner in this petition, filed on 12.10.2006 with inordinate delay.

5. It is well settled that the appointment on compassionate ground is not a method of recruitment, but, is a facility to provide for immediate rehabilitation of the family in distress for relieving the dependent family members of the deceased employee from destitution. In other words, the object of compassionate appointment is to enable penurious family to tide over the sudden financial crisis and is not to provide employment. It is also well settled that mere death of the employee does not entitle his family to claim compassionate appointment if the family members could sustain themselves financially from other sources of income.

6. In **Haryana State Electricity Board and another Vs. Hakim Singh** {(1997) 8 SCC 85} the Supreme Court held that "the whole object of any compassionate appointment scheme is to give succor to the family to tide over the sudden financial crisis befallen the dependents on account of the untimely demise of its sole earning member."

7. The Supreme Court in the case of **State of J & K and others Vs. Sajad Ahmd Mir** {(2006) 5 S.C.C. 766}, in para 11 has held as under :-

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> "11.....it is that such an appointment is an exception to the general rule. Normally, an employment in the Government or other public sectors should be open to all eligible candidates who can come forward to apply and compete with each other. It is in consonance with Article 14 of the Constitution. On the basis of competitive merits, an appointment should be made to public office. This general rule should not be departed from except where compelling circumstances demand, such as, death of the sole breadwinner and likelihood of the family suffering because of the setback. Once it is proved that in spite of the death of the breadwinner, the family survived and substantial period is over, there is no necessity to say "goodbye" to the normal rule of appointment and to show favour to one at the cost of the interests of several others ignoring the mandate of Article 14 of the Constitution."

8. In view of the above settled principles of law, there is no merit in this petition. The petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu